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United States
Department of
Agriculture

CERTIFIED RECEIPT REQUESTED

Office of
Administrative
Law Judges

September 9, 2010

Hearing Clerk

Room 1031
South Building

1400 Independence
Avenue SW

Washington, DC
20250-9200

(202) 720-4443
(202) 720-9776 fax

Lancelot Kollman Ramos
a.k.a. Lancelot Ramos
and Lancelot Kollman, an individual
12611 Andrews Road
Balm, Florida 33503

Dear Respondent:

Subject: In re: Lancelot Kollman Ramos, a.k.a. Lancelot Ramos and
Lancelot Kollman, an individual, Respondent -
AWA Docket No. ~~10-0417~~

10-0416

Enclosed is a copy of the Complaint, which has been filed with this office under the Animal Welfare Act.

Also enclosed is a copy of the rules of practice which govern the conduct of these proceedings. You should familiarize yourself with rules in that the comments which follow are not a substitute for their exact requirements.

The rules specify that you may represent yourself personally or by an attorney of record. Unless an attorney files an appearance in your behalf, it shall be presumed that you have elected to represent yourself personally. Most importantly, you have **20 days from the receipt of this letter to file with the Hearing Clerk an original and three copies of your written and signed answer to the complaint.**

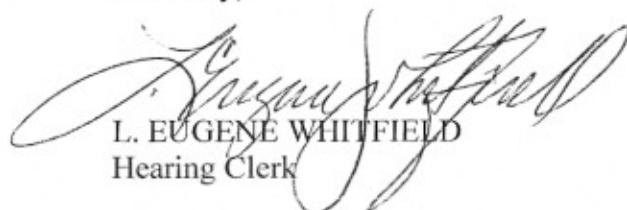
In the event this proceeding does go to hearing, the hearing shall be formal in nature and will be held and the case decided by an Administrative Law Judge on the basis of exhibits received in evidence and sworn testimony subject to cross-examination.

You must notify us of any future address changes. Failure to do so may result in a judgment being entered against you without your knowledge. We also need your present and future telephone number.

Your answer, as well as any motions or requests that you may hereafter wish to file in this proceeding, should be submitted in quadruplicate to the Hearing Clerk, OALJ, Room 1031, South Building, United States Department of Agriculture, Washington, D.C. 20250-9200.

Questions you may have respecting the possible settlement of this case, should be directed to the attorney whose name and telephone number appear on the last page of the complaint.

Sincerely,



L. EUGENE WHITFIELD
Hearing Clerk

Enclosure(s)

Sent to: Colleen A. Carroll, OGC
Ruth Ann McDermott, APHIS

caa: 9/9/10

2010 SEP -7 PM 1:36

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

RECEIVED

In re:) AWA Docket No. 10-
)
)
) LANCELOT KOLLMAN RAMOS, also
) known as LANCELOT RAMOS and
) LANCELOT KOLLMAN, an individual,
)
) Respondent) COMPLAINT

0417
0416

There is reason to believe that the respondent named herein has willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(the "Act"), and the regulations and standards issued thereunder (9 C.F.R. § 1.1 et seq.)(the "Regulations" and "Standards"). Therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Lancelot Kollmann Ramos, aka Lancelot Kollman and/or Lancelot Ramos ("Ramos") is an individual engaged in business as a circus performer, and at all times herein, was operating as an exhibitor and/or dealer, as those terms are defined in the Act and the Regulations. At all times relevant to this Complaint, Ramos's business location was 12611 Andrews Road, Balm, Florida 33503.

2. Respondent Ramos's AWA exhibitor's license (No. 58-C-0816) was revoked, effective October 19, 2009, by order of the Secretary of Agriculture. *In re Octagon Sequence of Eight, Inc., etc., et al.*, 68 Agric. Dec. __ (2009), *aff'd sub nom. Kollman Ramos v. U.S. Dep't of Agriculture*, 322 Fed. App'x. 814 (11th Cir. 2009)(not selected for publication).

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ALLEGATIONS REGARDING THE SIZE OF RESPONDENT'S BUSINESS,
THE GRAVITY OF THE ALLEGED VIOLATIONS,
RESPONDENT'S GOOD FAITH AND RESPONDENT'S COMPLIANCE HISTORY

3. Respondent Ramos has a history of violating the Act and the Regulations:

a. *In re Lancelot Kollman, also known as Lancelot Ramos*, AWA Docket No. 01-0012. On May 10, 2001, Administrative Law Judge Dorothea A. Baker issued a Consent Decision and Order in which she ordered respondent Ramos to "cease and desist from violating the Act and the Regulations and Standards," and ordered the "denial of respondent's application for license under the Act" to remain in effect.¹

b. *In re Octagon Sequence of Eight, Inc., etc., et al.*, AWA Docket No. 05-0016, 68 Agric. Dec. __ (2009), *aff'd sub nom. Kollman Ramos v. U.S. Dep't of Agriculture*, 322 Fed. App'x. 814 (11th Cir. 2009)(not selected for publication)(ordering Ramos to cease and desist from violating the Act and the Regulations, revoking Ramos's exhibitor's license, and assessing Ramos a civil penalty of \$13,750).²

4. Respondent Ramos's violations are serious. He has failed to handle animals carefully, and to provide adequate veterinary care, food and housing for them. He has verbally abused and harassed APHIS inspectors. He has continued to operate even after his license was revoked.

5. Respondent Ramos has not shown good faith. Respondent Ramos failed to obtain necessary veterinary care for animals in his custody. Following the revocation of his license, Ramos elected to continue to engage in regulated activity, in violation of the Act and the Regulations, and

¹Ramos later obtained AWA license number 58-C-0816.

²Ramos has not paid the civil penalty or any part thereof.

two cease-and-desist orders issued by the Secretary. Ramos has continued to exhibit animals through the pretext of working with or for other licensees. Said respondent has also failed to pay the civil penalty assessed in AWA Docket No. 05-0016.

6. Respondent Ramos operates a business of moderate size. He holds over 30 exotic and wild animals, which he exhibits to the public for profit.

FAILURE TO OBEY TWO ORDERS TO CEASE AND DESIST
FROM VIOLATING THE ACT AND THE REGULATIONS

7. On May 10, 2001, Administrative Law Judge Dorothea A. Baker issued a Consent Decision and Order in which she ordered respondent Ramos to "cease and desist from violating the Act and the Regulations and Standards."

8. On October 2, 2007, the Judicial Officer issued an order requiring respondent Ramos, and his agents, employees, successors and assigns, to "cease and desist from violating the Animal Welfare Act and the Regulations and Standards," directly or indirectly, through any corporate or other device." 68 Agric. Dec. __ (2009). That order became final and effective on October 19, 2009.

9. On each of the dates set forth herein, respondent Ramos knowingly failed to obey one or both of the cease and desist orders made by the Secretary under section 2149(b) of the Act (7 U.S.C. § 2149(b)), in the above-cited cases. Therefore, said respondent is subject to a civil penalty of \$1,650 "for each offense, and each day during which such failure continues shall be deemed a separate offense." 7 U.S.C. § 2149(b); 7 C.F.R. § 3.91.

ALLEGED VIOLATIONS OF THE LICENSING REGULATIONS

10. On November 7, 2008, respondent verbally abused and harassed APHIS inspectors

in the course of their duties, in willful violation of section 2.4 of the Regulations (9 C.F.R. § 2.4).

11. From October 19, 2009, to the date of the filing of this complaint, respondent Ramos operated as a dealer, as that term is defined in the Act and the Regulations, without having been licensed by the Secretary to do so, and specifically, said respondent, in commerce, offered for sale, delivered for transportation, transported, sold, or negotiated the purchase or sale of tigers, a liger, camels, llamas, and zebras, in willful violation of sections 2134 of the Act (7 U.S.C. § 2134) and sections 2.1(a) and 2.10(c) of the Regulations. 9 C.F.R. §§ 2.1(a), 2.10(c).

12. From October 19, 2009, to the date of the filing of this complaint, respondent Ramos operated as an exhibitor, as that term is defined in the Act and the Regulations, without having been licensed by the Secretary to do so, and specifically, said respondent, in commerce, displayed animals (specifically, tigers, a liger, camels, llamas, and zebras) to the public, and/or operated a circus, animal act, or zoo, in willful violation of sections 2.1(a) and 2.10(c) of the Regulations. 9 C.F.R. §§ 2.1(a), 2.10(c).

ALLEGED VIOLATIONS OF THE REGULATIONS AND STANDARDS

13. On or about January 10, 2008 through on or about October 29, 2008, respondent failed to handle animals as carefully as possible in a manner that does not cause behavioral stress, physical harm, or unnecessary discomfort, and specifically, respondent worked a young (22 years old) male Asian elephant (Ned) who was visibly-emaciated and in compromised health, in respondent's circus animal act, and, while at respondent's premises in Florida, fed Ned an inadequate diet, including dirt, in willful violation of section 2.131(b)(1) of the Regulations (9 C.F.R. § 2.131(b)(1)).

14. Between January 10, 2008, and November 7, 2008, respondent failed to provide

adequate veterinary care to Ned, and specifically, respondent, having been advised on January 10, 2008, that Ned was underweight and that generally-accepted veterinary practice required monitoring Ned's condition, by, among other things, obtaining regularly-scheduled weights, and documenting same, failed to obtain Ned's weight during that nine-month period of time, and failed to have his attending veterinarian perform additional diagnostic tests to determine the cause of Ned's condition, in willful violation of section 2.40(b)(2) of the Regulations (9 CF.R. § 2.40(b)(2)).³

15. On or about October 29, 2008, respondent failed to provide adequate veterinary care to a two-year-old female tiger, and specifically, the tiger (India) "was observed to be holding up her left front paw, continually licking it and refusing to bear weight on it," while respondent failed to obtain adequate veterinary medical care for her, in willful violation of section 2.40(b)(2) of the Regulations (9 CF.R. § 2.40(b)(2)).

16. On or about October 29, 2008, respondent failed to provide adequate veterinary care to a two-year-old male lion (Saby), and specifically, the lion was exhibiting an abnormal gait, while respondent failed to obtain adequate veterinary medical care for her, in willful violation of section 2.40(b)(2) of the Regulations (9 CF.R. § 2.40(b)(2)).

17. On or about October 29, 2008, respondent failed to have developed, documented, and followed an appropriate plan for the environmental enrichment of two nonhuman primates (capuchins), in willful violation of section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)) and

³During the November 7, 2008, inspection, the APHIS inspectors determined that Ned was suffering as a result of respondent's failure to comply with the regulations and standards, and served respondent with a notice of intent to confiscate Ned. The respondent failed to correct the conditions, and following an evaluation of Ned by a qualified elephant veterinarian, APHIS confiscated Ned, and transported him to a licensed facility that could provide care for him. At confiscation, Ned was determined to weigh 7260 pounds and to have a body condition of 3.

section 3.81 of the Standards (9 C.F.R. § 3.81).

18. On or about October 29, 2008, through November 7, 2008, respondent failed to feed Ned wholesome, palatable food free from contamination, and of sufficient quantity and nutritive value to maintain the elephant in good health, and failed to prepare a diet with consideration for the animal's condition and size, in willful violation of section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)) and section 3.129 of the Standards (9 C.F.R. § 3.129).

19. On September 11, 2009, respondent failed to design and construct the animal cargo space of respondent's primary conveyance to protect the health and ensure the safety of the large felids (four tigers and two lions) contained therein, in willful violation of section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)) and section 3.81 of the Standards (9 C.F.R. § 3.81).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the Act and the regulations issued under the Act, this complaint shall be served upon the respondent. The respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this amended complaint.

The Animal and Plant Health Inspection Service requests that unless the respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this matter proceed to oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and that such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order requiring the respondent to cease and desist from violating the Act and the regulations and standards issued

thereunder, and assessing civil penalties against the respondent both for knowingly disobeying cease-and-desist orders issued by the Secretary and for the violations herein, in accordance with the Act.

Done at Washington, D.C.
this 31st day of August 2010

Acting Kevin Smea
Administrator
Animal and Plant Health Inspection Service

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